

REMARKS

This Amendment is filed in response to the Office Action dated August 19, 2004 and the Examiner's Interview with the undersigned Applicant's Representative on October 20, 2004. By this Amendment, claims 1 and 12 are amended, leaving claims 2-11 and 13-42 unchanged.

On pages 2 and 3 of the Office Action, claims 1, 2, 4-7, 11-14, 18-20, and 22 are rejected under the judicially created doctrine of obviousness-type double patenting over claims 1, 5, 7, 13, 14, 17, 19, 21, 23, and 24 of United States Patent Number 6,626,605 issued to Dean et al. Independent claims 1 and 12 of the present application are hereby amended. As discussed with the Examiner in the October 20, 2004 Examiner's Interview, the Applicant respectfully submits that amended claims 1 and 12 do not claim subject matter common to that claimed in the Dean patent. Therefore, the Applicant hereby requests withdrawal of the double patenting rejection of amended claims 1 and 12. Claims 2, 4-7, and 11, and claims 13, 14, 18-20, and 22 are each ultimately dependent upon amended claims 1 and 12, respectively, and are allowable based upon amended claims 1 and 12 and upon other features and elements claimed in claims 2, 4-7, 11, 13, 14, 18-20, and 22 but not discussed herein.

On pages 3 and 4 of the Office Action, claim 8 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim that which the Applicant regards as the invention. In particular, it is noted that there are two "at least one projections" claimed: "one attached to the insert and one attached to the fastener", and that it is unclear which is being referred to in claim 8. Claim 8 depends directly from claim 2, which only references "at least one projection" of the claimed insert body. Neither claim 2 nor claim 1 (from which claim 2 depends) claims another type of "at least one projection". Accordingly, the Applicant respectfully submits that the "at least one projection" claimed in claim 8 refers to the only type of "at least one projection" claimed in claims 1 and 2, and that claim 8 is therefore sufficiently clear in its current form. Therefore, the Applicant respectfully requests withdrawal of the 35 U.S.C. §112 rejection of claim 8.

On pages 4 and 5 of the Office Action, claims 1, 2, 6-9, 11-15, 17, 18, and 23 are rejected under 35 U.S.C. §102(b), as being anticipated by United Kingdom Patent Number 591,253 issued to Garbe.

Claim 1 is hereby amended, and calls for:

A pole connector assembly for connecting first and second pole sections, the pole connector assembly comprising:
an insert dimensioned to be received within an end of the first pole section, the insert having a one-piece unitary body and an aperture defined in the body; and
a fastener having a first end insertable into the aperture, the fastener having at least one surface positioned to contact and block removal of the insert from the first pole section to secure the insert within the first pole section, the fastener also having a second end coupled to the second pole section.
(Amendment marks not shown).

Claim 12 is also hereby amended, and calls for, among other things:

A pole connector assembly for connecting first and second pole sections, the pole connector assembly comprising:
an insert dimensioned to be received within an end of the first pole section, the insert having:
a body having at least one portion being deflectable outwardly from the body; and
an aperture defined in the body; and
a fastener having a first end insertable into the aperture and movable to a position with respect to the at least one portion of the body in which a surface of the fastener contacts and substantially inhibits movement of the at least one portion of the body to secure the insert within the first pole section, and a second end coupled to the second pole section.
(Amendment marks not shown).

The following remarks reflect the full discussion between the Examiner and the undersigned Applicant's Representative on October 20, 2004. As discussed and illustrated in greater detail in the present application, some embodiments of the present invention provide a pole connector having a fastener with a surface that, when the fastener is inserted into an aperture of an insert, contacts and blocks removal of the insert from a pole section, or contacts and inhibits movement of a portion of the insert to secure the insert within the pole section.

In contrast, the Garbe device is a tube joint in which a threaded joining member (3, 4, 5) (compared by the Examiner to the fastener claimed in claims 1 and 12) only functions to draw plugs 6 into slotted sleeves 7 within tubes 1. With reference to amended claim 1, no surface of the threaded joining member (3, 4, 5) both contacts and blocks removal of the plug 6 or slotted sleeve 7. With reference to amended claim 12, no surface of the threaded joining member (3, 4, 5) both contacts and inhibits movement of a portion of the plug 6 or slotted sleeve 7 (to secure the plug 6 or slotted sleeve 7 within either tube 1). Accordingly, the Applicant respectfully submits that Garbe fails to teach, describe, or suggest, among other things, a pole connector having a fastener with a surface that, when the fastener is inserted into an aperture of an insert, contacts and blocks removal of the insert from a pole section as claimed in amended claim 1, or contacts and inhibits movement of a portion of the insert to secure the insert within the pole section as claimed in amended claim 12. Withdrawal of the 35 U.S.C. §102(b) rejections of claims 1 and 12 is therefore respectfully requested.

Claims 2, 6-9, and 11, and claims 13-15, 17, 18, and 23 are each ultimately dependent upon amended claims 1 and 12, respectively, and are therefore allowable based upon amended claims 1 and 12, and upon other features and elements claimed in claims 2, 6-9, 11, 13-15, 17, 18, and 23 but not discussed herein.

In view of the amendments and remarks presented herein, it is respectfully submitted that the claims as amended are in condition for allowance. The Applicant requests that the Examiner telephone the attorneys of record in the event a telephone discussion would be helpful in advancing the prosecution of the present application.

Respectfully submitted,



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